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Security Council

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# France, Germany, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

*The Security Council,*

*Recalling* its previous resolutions on international terrorism and the threat it poses to Afghanistan, in particular its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and the relevant statements of its President,

*Recalling* its previous resolutions extending through March 22, 2012 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1974 (2011),

*Reaffirming* that the situation in Afghanistan still constitutes a threat to international peace and security, and *expressing* its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

*Stressing* the importance of a comprehensive political process in Afghanistan to support reconciliation among all Afghans, and *recognizing* there is no purely military solution that will ensure the stability of Afghanistan,

*Recalling* the Government of Afghanistan's strong desire to seek national reconciliation, as set forth in the Bonn Agreement (2001), the London Conference (2010), and the Kabul Conference (2010),

*Recognizing* that the security situation in Afghanistan has evolved and that some members of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan,

*Recognizing* that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and *reaffirming* the need to combat this threat by all means, in accordance with the Charter of the United Nations and international



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law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort,

*Recalling* that the conditions for reconciliation, open to all Afghans, laid forth in the 20 July 2010 Kabul Communique, supported by the Government of Afghanistan and the international community, include the renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities,

*Stressing* the importance of all individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of those previously designated as the Taliban, as well as those individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, accepting the Government of Afghanistan's offer of reconciliation,

*Taking note* of the Government of Afghanistan's request that the Security Council support national reconciliation by removing Afghan names from the UN sanctions lists for those who respect the conditions for reconciliation, and, therefore, have ceased to engage in or support activities that threaten the peace, stability and security of Afghanistan,

*Welcoming* the results of the Consultative Peace Jirga held on 6 June 2010, in which 1,600 Afghan delegates, representing a broad cross-section of all Afghan ethnic and religious groups, government officials, religious scholars, tribal leaders, civil society, and Afghan refugees residing in Iran and Pakistan, discussed an end to insecurity and developed a plan for lasting peace in the country,

*Welcoming* the establishment of the High Peace Council and its outreach efforts both within and outside Afghanistan,

*Stressing* the central and impartial role that the United Nations continues to play in promoting peace, stability and security in Afghanistan, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the UNAMA Salaam Support Group to assist the High Peace Council's peace and reconciliation efforts,

*Reiterating* its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

*Expressing concern* at the increase in incidents of kidnapping and hostage-taking with the aim of raising funds, or gaining political concessions, and *expressing* the need for this issue to be addressed,

*Reiterating* the need to ensure that the present sanctions regime contributes effectively to ongoing efforts to combat the insurgency and support the Government of Afghanistan's work to advance reconciliation in order to bring about peace, stability, and security in Afghanistan, and *considering* the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently in promoting peace and stability in Afghanistan,

*Reaffirming* international support for Afghan-led reconciliation efforts, and expressing its intention to give due regard to lifting sanctions on those who reconcile,

*Acting under Chapter VII of the Charter of the United Nations*,

***Measures***

1. *Decides* that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertaking associated with the Taliban") of the Consolidated List of the Committee established pursuant to resolution 1267 (1999) and 1333 (2000) as of the date of adoption of this resolution, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established in paragraph 30, (hereafter known as "the List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. Decides that those previously designated as the Taliban, and other individuals groups, undertakings and entities associated with them, whose names were inscribed in sections A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of this resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1, and *decides further* that all States shall take the measures set forth in paragraph 1 against these listed individuals, groups, undertakings and entities;

3. *Decides* that the acts or activities indicating that an individual, group, undertaking, or entity is eligible for designation under paragraph 1 include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or

(d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

4. *Affirms* that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List, shall be eligible for designation;

5. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Afghanistan;

6. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of the Taliban on this List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings, or entities associated with them;

7. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the 1988 Sanctions List;

8. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

9. *Decides* that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006) regarding available exemptions with regard to the measures in paragraph 1 (a), and *encourages* their use by Member States;

***Listing***

10. *Encourages* all Member States to submit to the Committee established under paragraph 30 below ("the Committee") for inclusion on the List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities described in paragraph 3 above;

11. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall provide the Committee with as much relevant

information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;

12. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall also provide a detailed statement of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 13 below;

13. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the List, a narrative summary of reasons for listing for the corresponding entry or entries;

14. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 13;

15. *Requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

16. *Calls upon* Member States, when considering the proposal of a new designation, to consult with the Government of Afghanistan on the designation prior to submission to the Committee, where appropriate, and *encourages* all Member States considering the proposal of a new designation to seek advice from UNAMA, where appropriate;

17. *Decides* that the Committee shall, after publication but within three working days after a name is added to the List, notify the Government of Afghanistan, the Permanent Mission of Afghanistan, and the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of which the person is believed to be a national;

***Delisting***

18. *Directs* the Committee to remove expeditiously individuals and entities on a case-by-case basis that no longer meet the listing criteria outlined in paragraph 3 above, and *requests* that the Committee give due regard to requests for removal of individuals that meet the reconciliation conditions agreed to by the Government of Afghanistan and the international community, which include the renunciation of violence, no links to international terrorist organizations, including Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities;

19. *Calls upon* Member States to coordinate their delisting requests, as appropriate, with the Government of Afghanistan to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts;

20. *Decides* that individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests to the Focal Point mechanism established in resolution 1730 (2006);

21. *Encourages* UNAMA to support and facilitate cooperation between the Government of Afghanistan and the Committee to ensure that the Committee has sufficient information to consider delisting requests, and *directs* the Committee established pursuant to paragraph 30 of this resolution to consider delisting requests in accordance with the following principles, where relevant:

(a) Delisting requests concerning reconciled individuals should, if possible, include a communication from the High Peace Council through the Government of Afghanistan confirming the reconciled status of the individual according to the reconciliation guidelines, or, in the case of individuals reconciled under the Strengthening Peace Program, documentation attesting to their reconciliation under the previous program; as well as current address and contact information;

(b) Delisting requests concerning individuals who formerly held positions in the Taliban regime prior to 2002 who no longer meet the listing criteria outlined in paragraph 3 of this resolution should, if possible, include a communication from the Government of Afghanistan confirming that the individual is not an active supporter of, or participant in, acts that threaten the peace, stability and security of Afghanistan, as well as current address and contact information;

(c) Delisting requests for reportedly deceased individuals should include an official statement of death from the state of nationality, residence, or other relevant state;

22. *Requests* all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of this resolution, and *further requests* that the Government of Afghanistan provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year;

23. *Directs* the Committee to consider expeditiously any information indicating that a delisted individual has returned to activities set forth in paragraph 3, including by engaging in acts inconsistent with the reconciliation conditions outlined in paragraph 18 of this resolution, and *requests* the Government of Afghanistan or other Member States, where appropriate, to submit a request to add that individual's name back on the list;

24. *Decides* that the Secretariat shall, as soon as possible after the Committee has made a decision to remove a name from the List, transmit the decision to the Government of Afghanistan and the Permanent Mission of Afghanistan for notification, and the Secretariat should also, as soon as possible, notify the Permanent Mission of the State(s) in which the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of nationality, and *decides* further that States receiving such notification take measures,

in accordance with domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

***Review and Maintenance of the List***

25. *Recognizes* that the ongoing conflict in Afghanistan, and the urgency that the Government of Afghanistan and the international community attach to a peaceful political solution to the conflict, requires timely and expeditious modifications to the List, including the addition and removal of individuals and entities, *urges* the Committee to decide on delisting requests in a timely manner, *requests* the Committee to review each entry on the list on a regular basis, including, as appropriate, by means of reviews of individuals considered to be reconciled, individuals whose entries lack identifiers, individuals reportedly deceased, and entities reported or confirmed to have ceased to exist, *directs* the Committee to establish guidelines for such reviews accordingly, and *requests* the Monitoring Team to circulate to the Committee every six months:

(a) A list of individuals on the List whom the Afghan Government considers to be reconciled along with relevant documentation as outlined in paragraph 21 (a);

(b) A list of individuals and entities on the List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them; and

(c) A list of individuals on the List who are reportedly deceased and entities that are reported or confirmed to have ceased to exist, along with the documentation requirements outlined in paragraph 21 (c);

26. *Urges* the Committee to ensure that there are fair and clear procedures for the conduct of its work, and *directs* the Committee to establish guidelines accordingly, as soon as possible, in particular with respect to paragraphs 9, 10, 11, 12, 17, 20, 21, 24, 25, and 27;

27. *Encourages* Member States and relevant international organizations to send representatives to meet with the Committee to share information and discuss any relevant issues, and *welcomes* periodic briefings from the Government of Afghanistan on the impact of targeted sanctions on deterring threats to the peace, stability and security of Afghanistan, as well as to support Afghan-led reconciliation;

***Cooperation with Government of Afghanistan***

28. *Encourages* continued cooperation amongst the Committee, the Government of Afghanistan, and UNAMA, including by identifying and providing detailed information regarding individuals and entities participating in the financing or support of acts or activities set forth in paragraph 3 of this resolution, and by inviting UNAMA representatives to address the Committee;

29. *Welcomes* the Government of Afghanistan's desire to assist the Committee in the coordination of listing and delisting requests and in the submission of all relevant information to the Committee;

***New Sanctions Committee***

30. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

(a) To consider listing requests, delisting requests and proposed updates to the existing information relevant to the List referred to in paragraph 1;

(b) To consider listing requests, delisting requests and proposed updates to the existing information relevant to section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List that were pending before the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities as of the date of adoption of this resolution;

(c) To update regularly the List referred to in paragraph 1;

(d) To make accessible on the Committee's website narrative summaries of reasons for listing for all entries on the List;

(e) To review the names on the List;

(f) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of the resolution, including regarding non-compliance with the measures imposed by the resolution;

(g) To ensure that fair and clear procedures exist for placing individuals and entities on the List and for removing them as well as for granting humanitarian exemptions;

(h) To examine the reports presented by the Monitoring Team;

(i) To monitor implementation of the measures imposed in paragraph 1;

(j) To consider requests for exemptions in accordance with paragraph 1 and 9;

(k) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(l) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(m) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above; and

(n) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

(o) To facilitate, through the Monitoring Team and specialized UN agencies, assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(p) To cooperate with other relevant Security Council Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999);

***Monitoring Team***

31. *Decides*, in order to assist the Committee in fulfilling its mandate, that the 1267 Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), shall also support the Committee for a period of 18 months, with the mandate set forth in Annex A of this resolution, and *requests* the Secretary-General to make any necessary arrangements to this effect;

***Coordination and Outreach***

32. *Recognizes* the need to maintain contact with relevant UN Security Council Committees, international organizations and expert groups, including the Committee established pursuant to resolution 1267 (1999), the Counter Terrorism Committee (CTC), the United Nations Office of Drugs and Crime, the Counter-Terrorism Executive Directorate (CTED), and the Committee established pursuant to resolution 1540 (2004), particularly given the continuing presence and negative influence on the Afghan conflict by Al-Qaida, and any cell, affiliate, splinter group or derivative thereof;

33. *Encourages* UNAMA to provide assistance to the High Peace Council, at its request, to encourage listed individuals to reconcile;

***Reviews***

34. *Decides* to review the implementation of the measures outlined in this resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan;

35. *Decides* to remain actively seized of the matter.

## Annex I

In accordance with paragraph 31 of this resolution, the Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1988 (2011) and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Committee in regularly reviewing names on the List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(c) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(d) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;

(e) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(f) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the List;

(g) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 13;

(h) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(i) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(j) To encourage Member States to submit names and additional identifying information for inclusion on the List, as instructed by the Committee;

(k) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the List as updated and accurate as possible;

(l) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(m) To consult with Member States and other relevant organizations and bodies, including UNAMA, and engage in regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(n) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(o) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(p) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(q) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(r) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(s) To assist the Committee in facilitating assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(t) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(u) To submit to the Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings, and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the List referred to in paragraph 1 of this resolution, and thereafter submit such a report and recommendations periodically;

(v) Any other responsibility identified by the Committee.